

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

Jason Antonio Curtis Lee McCrary

(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

IF THE PLAINTIFF IS A PRISONER:

PRISONER #

A718-296

vs.

Governor Mike Dewine

(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

Director chambers-smith, Annette

Warden Wanza Jackson-Mitchell

Inspector Steven Bullock

Warren Correctional facility

COMPLAINT

I. PARTIES TO THE ACTION:

PLAINTIFF:

PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

Jason Antonio Curtis Lee McCrary

NAME - FULL NAME PLEASE - PRINT

5787 st. RTE. 63

ADDRESS: STREET, CITY, STATE AND ZIP CODE

Lebanon, OH IO 45036

513-932-9741

TELEPHONE NUMBER

1:20 CV 388

L. BLATT

MJ. BOWMAN

RECEIVED

MAY 15 2020

RICHARD W. NAGEL  
Clerk Of Court  
CINCINNATI, OHIO

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

- ② Antwon Cornett #730-752  
Warren Corr. Inst.  
P.O. Box 120  
Lebanon, Ohio 45036  
*Antwon Cornett*
- ③ Joshua Jacobs #A656-473  
Warren Corr. Inst.  
P.O. Box 120  
Lebanon, OH 45036  
*Joshua Jacobs*
- ④ Louis G Delgado #745138  
Warren Correctional Inst.  
P.O. Box 120  
Lebanon, OH 45036  
*Louis Delgado*
- ⑤ Devon Jackson #667-418  
W.C.I. P.O. Box 120  
Lebanon, Ohio 45036  
*Devon Jackson*
- ⑥ Tyler Nalder #726-400  
W.C.I. P.O. Box 120  
Lebanon, OH 45036  
*Tyler Nalder*

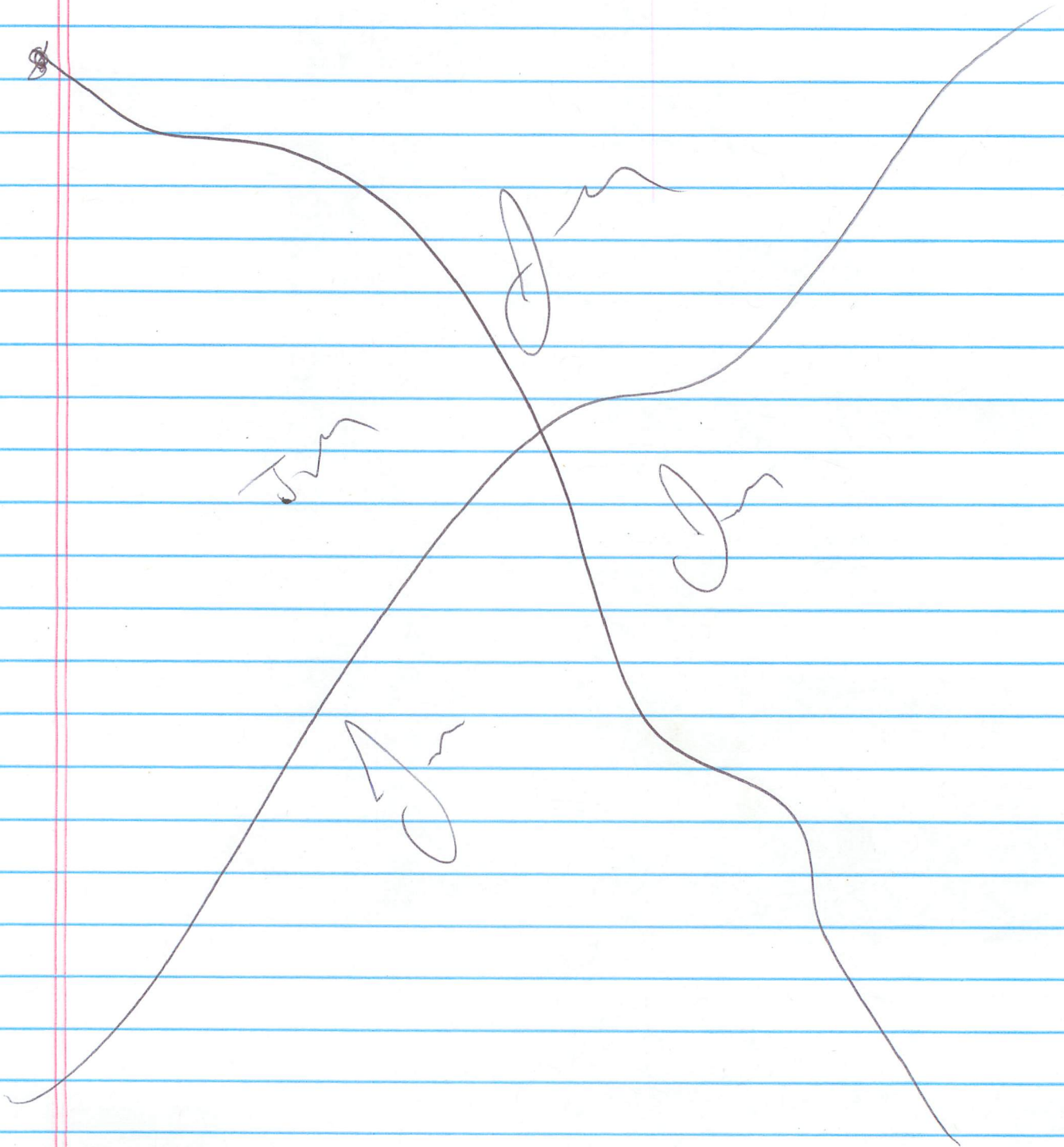


7 De'Andre L Burten Sr. #683-871

W.C.I. P.O. Box 120

Lebanon, OH 45036

Deandre Burten Sr.



REQUIRED:

PREVIOUS LAWSUITS:

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES ( ) NO ☒
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

1. PARTIES TO THIS PREVIOUS LAWSUIT

PLAINTIFFS:

N/A

DEFENDANTS:

N/A

2. COURT (IF FEDERAL COURT, NAME THE DISTRICT: IF STATE COURT, NAME THE COUNTY)

N/A

3. DOCKET NUMBER

N/A

4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED

N/A

5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)

N/A

6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT

N/A

7. APPROXIMATE DATE OF THE DISPOSITION

N/A



PLACE OF PRESENT CONFINEMENT

A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?

YES ☒ NO ( )

B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE PRISONER GRIEVANCE PROCEDURE? YES ☒ NO ( )

C. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

I wrote letters to the appropriate staff. Then I.C.R.'S to Appeal Process. Spoke to DWO, unit staff, trust, Inspector, warden

2. WHAT WAS THE RESULT?

Nothing was looked into, corrected or correctly addressed. Nor Governor deines orders followed nor CDC recommendations

D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.

N/A

E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID YOU COMPLAIN TO PRISON AUTHORITIES? YES ( ) NO ( )

F. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

N/A

2. WHAT WAS THE RESULT?

N/A

DEFENDANTS:

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. Gov. Michael Dewine  
NAMES - FULL NAME PLEASE  
5787 St. RTE. 63 Lebanon OHIO 45036  
ADDRESS - STREET, CITY, STATE AND ZIP CODE
2. Annette chambers-smith  
~~6008~~ 4545 Fisher Road, Columbus OH 43228
3. Wanza Jackson-mitchell  
5787 St. RTE. 63 Lebanon OHIO 45036
4. STEVEN Bullock  
5787 St. RTE. 63 Lebanon OHIO 45036
5. Warren Correctional Institution  
5787 ST. RTE. 63 Lebanon OHIO 45036
6. OHIO Department of Corrections  
State of OHIO

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.



STATEMENT OF CLAIM

PLEASE WRITE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. INCLUDE THE NAME OF ALL PERSONS INVOLVED. GIVE DATES AND PLACES.

DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS; PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

Extortion: Being fed only twice daily, dropping the amount allowed to spend at commissary, not able to work jobs one could before due to covid-19 stipulations and rules. They do allow inmates an extra food box in which more money is needed to garner such goods, meaning one must ask someone who is free and not working to help them with food due to the prison cutting meals back, from any ~~outside~~ outside source paying for shipping and handling along with packaging, we are unable to receive visitors but can pay for calls and stamps on JPay for emails, videos and video visits, which all cost money compared to the free former visits. Then we do not have a choice as to whom we will use to contact family, everything is monopolized,

Inability to protect: The prison system is not built for the ability to social distance, nor protect us inmates from what the Department of Justice deemed a "Biological Agent." The staff and C.O's are unable to keep us from catching Covid-19. We are under the states care and protection no matter what we are in prison for and are still



American citizens. There are laws to convict us as well as laws to protect our lives as American citizens, we who are under the care and to be protected by the state and facilities in which we are placed. The Warden down to the C.O. are whom our safety and health reside in, These are employees of Director chambers, whom in turn directly works for Governor Mike dewine. Even our Governor has said They are learning on "The Fly", This does not excuse the fact many inmates have gotten sick due to negligence and many staff as well along with more deaths than should have even occurred due to no one following CDC guide lines as well as "Prisoners not being whom the governor felt needed protected, so all have followed ~~that~~ his lead. Inmates were not ill until a outside entity brought covid-19 into previously quarantined prisons. These are "Biological Agents" and none of the defendants have been trained in how to properly deal with such,

Negligence on behalf of Governor Mike dewine, Director Anette smith, Warden Wanza Jackson-Mitchell, Inspector Steven [sic] Bullock and all Armark workers, staff and C.O.'s under said people in charge, AT The beginning of said Pandemic covid-19, no appropriate steps were taken to prevent it from getting into all OHIO Prisons. Nor when signs



(3)

and/or symptoms were identified were appropriate, proactive steps taken to protect inmates well being. Staff nor C.O's were being "tested" not "temperature checked", This would've have stopped staff and C.O's from carrying This Biological agent of death into The prison system, because This disease did not begin in prison, nor did They begin testing and quarantining new inmates brought from county jails to The prison system. These two simple steps would've ~~be~~ saved lives as well as slow if not stop The spread of covid-19. When They began seeing it was as bad as The C.D.C. said They still only did temperature checks on staff, when They had high temperatures They were put on leave, but still no actions to protect The inmates They had came into contact with nor were we notified They may possibly be sick or That were were subjected to exposure of covid-19 by said staff who later admitted to having been out fighting covid-19 - Ofc. Wheeler of W.C.I., The Warden of W.C.I. ~~Director~~ Ms. Wanza Jackson-mitchell, Inspector of W.C.I. Steven Bullock [sic] as well as The employees and contractors of W.C.I. were negligent in following Governor Mike dewine's statements to them. That being fact Governor Mike dewine is negligent in making sure all O.D.R.C. Prisons of OH-DO acted accordingly to his orders of getting inmates and staff The appropriate 70% based alcohol hand sanitizer as well as chemicals That would kill or



(9)

keep Covid-19 from being spread throughout the prison system and therefore protecting the inmates. Warren Prison medical never once called "chronic care inmates" in to tell us of the seriousness or how to specifically protect ourselves, who are at higher risk of catching and dying from Covid-19. They brought in extra staff to work S.R.T., even though at the same time they began making staff work remotely. The S.R.T. went and continues to go from building to building, touching, carrying possible Covid-19 on clothing and on shoes, while coughing, sneezing and patting down multiple inmates with the same gloves. If these gloves have Covid-19 on them they have traveled on to each inmate that staff touched. As a chronic care inmate no one still has yet to contact any of us. We are locked out knowingly of our cells into a day room in which we have nowhere to wash our hands or get 70% based alcohol hand sanitizer. We weren't until recently told we "must" wear face mask or be given write ups. Even though as I have stated no inmates had this only staff and co's could bring in Covid-19. We are not given bleach, lysol to clean our cells in which we cannot social distance from inmates who may or may not take heed to hygienical needs. The ventilation system is recycled air and I know that if I can smell smoke coming in through the vents that Covid-19 which stays in the air 3-4 hours can and



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will travel once coughed or sneezed into the air will in fact travel the whole of the building cells. The Prison is neglectful in not making sure that detergent that will kill covid-19 is being used in the 2 washers, 2 dryers that 150 inmates share. Porters in the block who clean showers do not have proper mask, chemicals, rags which they must provide & clean. The prison should be making sure the inmates health is at the forefront of all else, we live in a giant petri dish and not providing "needed" cleaning items and then cleaning the cleaning items until "sterile". The Warden, inspector, staff and c.o's are neglectful in making sure that mental health patients continue to not just be "drugged" in pill call but we have our necessary checkups or are followed up on to see how we are dealing with this stressful and hopeless pandemic. Mental health patients are more susceptible to becoming sick. All substance abuse inmates still need to be checked up on and followed up on so that they do not lapse in recovery and are doing well, seeing they are ~~also~~ susceptible to catch covid-19.

Prison officials at Warren Correctional have stated to stop the spread of covid-19 there will be no breakfast but a brunch to minimize the amount of inmates in the chow hall at once. There is a confirmed case of covid-19, yet not "testing" done. The stopping of this one meal not being served will stop covid-19 is preposterous. Because Alcohol based sanitizers nor



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bleach are used in between ranges coming and going out of the chow hall. Tables, water coolers, doors railings, floors, windows as well as staff that is in the chow hall for all blocks, pat down numerous inmates, and do not change gloves or sanitize properly between blocks. One range may be called at a time but they are still not 6 feet of separation (even though CDC says 4 meters or 13 ft of separation is needed)

The warden of Warren Correctional as well as the Inspector, staff and C.O's are neglectful when it came to passing out "cloth mask" They claimed are C.D.C. approved but are not. They also only sent or put up signs saying to wear mask, then how to wear mask. Unfortunately for inmates who cannot read or does not have any comprehension skills are unable to properly protect themselves because of the neglectfulness of staff who know these inmates are A.B.E or Pre-GED students, Making sure each and every ~~staff~~ inmates knows how to wash their hands properly, how to keep good hygiene and how and when to use these cloth mask made by possibly ill inmates who were asymptomatic.

Right to rehabilitation! we are unable as mental health inmates to have groups, programs or one on one meetings with our mental health liaisons due to social distancing. we are unable to go to trade schools, college,



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or Law Library to try and at least help ourselves. NO  
 measures have been taken to continue drug programs, IF  
 we are as safe as Prison officials try and make it  
 seem Then we should be able to continue our  
 rehabilitation That Mike dewine as well as The Prison  
 director preach on so much, we are not being treated  
 but being subjected to what falls under cruel and  
 unusual punishment, Neglecting These inmates is  
 making it hard to live in prison due to The effects  
 of Covid-19 on inmates with These underlying issues  
 and unique problems, Yet inmates are punished for  
 outburst, uncontrollable behavior, relapsing into old  
 behaviors due to families and friends dying and  
 becoming ill of covid-19. Any where ~~else~~ else in OHIO  
 we would be locked up or ticketed for violating  
 The Governor Mike dewines orders to not gather in  
 groups of more than 10, practice social distancing  
 and finding help for our emotional, mental and  
 physical problems, we are also denied The #1 Thing  
 That O.D.R.C promotes contact with family and  
 friends especially contact visits, The only way to keep  
 emotional and mental ties with friends, family and loved  
 ones, Unable to hug, kiss, hold hands, physically ~~measure~~  
 our children, This is impossible Through 15 minute calls  
 (we have to pay for) or 15 minute video visits That  
 mostly don't work (which we have to pay for) Our free  
 visits are now costing people who are relying on a  
 \$1200 stimulus check to also help keep us in touch.



We are asking for relief in These matters in The amount of \$100,000,000.xx, to be split amongst Plaintiffs and used appropriately to enhance and help each individual as well as Their families, loved ones, or in case of sickness or death for medical bills and burial cost. We also ask to be heard by a jury of "our" peers for our court hearings

There are attached exhibits and references

A CDC Recommendations

B Information on where and whom in prisons contracted Covid-19

C Map of OHIO and civilians who contracted Covid-19

D outcome of trial drugs on Covid-19 doctors that were infected with Covid-19

E Information from news concerning OHIO'S prison contraction of Covid-19

F False information put out by DRC and Warren Prison

G CDC information for Prisons infected

H 2 month meals during "police variance"

I Letter from Correctional Inst. Inspection Committee

J OHIO Federal Prison

K Picture of mask provided

L ~~Supreme Court ruling on prison conditions~~

(A)

**You have received a *JPAY* letter, the fastest way to get mail**

From: Angela Clemente-Russo, Customer ID: 18489929  
To: JASON MCCRARY, ID: A718296  
Date: 4/12/2020 7:23:29 PM EST, Letter ID: 785657169  
Location: WCI  
Housing: 2C222LC

Here is another article about how it is spread!

#### NEWS

The coronavirus spreads at least 13 feet, travels on shoes: CDC  
By Lee Brown

April 12, 2020 | 9:29am

A patient room is seen at the Huoshenshan temporary field hospital in Wuhan, China  
A patient room is seen at the Huoshenshan temporary field hospital in Wuhan, China  
AP

Sign up for our special edition newsletter to get a daily update on the coronavirus pandemic.

The coronavirus can travel through the air at least 13 feet — more than twice as far as social distancing guidelines, according to a report from the Centers for Disease Control and Prevention (CDC).

Research published in the federal agency's Emerging Infectious Diseases journal shows the contagion spreading far further than previous official suggestions — and also getting spread on people's shoes.

"The aerosol distribution characteristics ... indicate that the transmission distance of [COVID-19] might be 4 m," the report says, translating as more than 13 feet.

"Furthermore, half of the samples from the soles of the ICU medical staff shoes tested positive," the researchers wrote of samples taken at Huoshenshan Hospital in Wuhan.

"Therefore, the soles of medical staff shoes might function as carriers."

The report, based on research by a team at the Academy of Military Medical Sciences in Beijing, appears to reaffirm fears that the current social distancing guidelines of 6 feet may not be enough.

It also suggests people — especially medical staff on the frontlines — could inadvertently be spreading the bug away from its source, recommending stringent disinfecting measures.

High levels were also found on frequently touched surfaces like computer mice, trashcans and bed rails.

The CDC recommends 6 feet for social distancing, while the World Health Organization claims just 3 feet should be enough, less than a quarter of the distance the current study suggests it spreads.

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You have received a **jp**ay letter, the fastest way to get mail

From : Angela Clemente-Rueso, CustomerID: 154899320  
To : JASON MCCRARY, ID: A718296  
Date : 4/12/2020 7:16:40 PM EST, Letter ID: 785651594  
Location : WCI  
Housing : 2C222LC

Here is an article from BBC that just came out a few minutes ago.

47 inmates test positive for COVID-19 in Ohio prisons

NBC4 Staff  
2 hours ago

COLUMBUS (WCMH) — New numbers from the Ohio Department of Rehabilitation and Correction show 47 inmates across the state's 28 prison facilities have tested positive for the COVID-19 coronavirus as of Sunday.

In addition, 87 prison staff members have tested positive for the virus, with one employee having died from the disease.

Pickaway and Marion correctional institutions continue to have the most positive cases among both inmates and staff members. At Pickaway, 23 inmates and 17 staff members have tested positive; at Marion, 15 inmates and 47 staff members have tested positive.

In addition to Pickaway and Marion, positive cases among inmates have been reported at the following institutions:

Correctional Reception Center (4 inmates, 3 employees)  
Franklin Medical Center (2 inmates, 10 employees)  
North Central Correctional Complex (2 inmates, no employees)  
Toledo Correctional Institution (1 inmate, 3 employees)

In addition, employees at the following institutions have tested positive:

Dayton Correctional Institution (3 employees)  
Lebanon Correctional Institution (2 employees)  
Madison Correctional Institution (1 employee)  
Northeast Ohio Correctional Center (1 employee)  
Northeast Reintegration Center (1 employee)  
Ohio State Penitentiary (1 employee)  
Eleven of the state's institutions are in quarantine.

Earlier this week, Gov. Mike DeWine announced plans to help fight the virus inside the prisons, including widespread testing for inmates. DeWine has also set out plans to release more than 200 prisoners early to prevent them from contracting the coronavirus while emptying space within the institutions.

ODRC said 261 inmates have been tested, with 167 results pending. Forty-seven inmates have tested negative for the virus.

**jp**ay Tell your friends and family to visit [www.jp.com](http://www.jp.com) to write letters and send money!



CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

OHIO GENERAL ASSEMBLY

VERN RIFFE CENTER

77 SOUTH HIGH STREET

COLUMBUS, OHIO 43215

PRESORTED  
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 43215 \$ 000.38<sup>9</sup>  
02 4W  
0000360285 APR 28 2020

20222

LEGAL MAIL

Jason McCrary 718296

Warren Correctional Institution

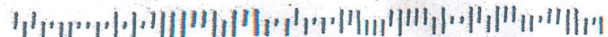
PO Box 120

Lebanon, OH 45036

23

DHJ-15B

45036

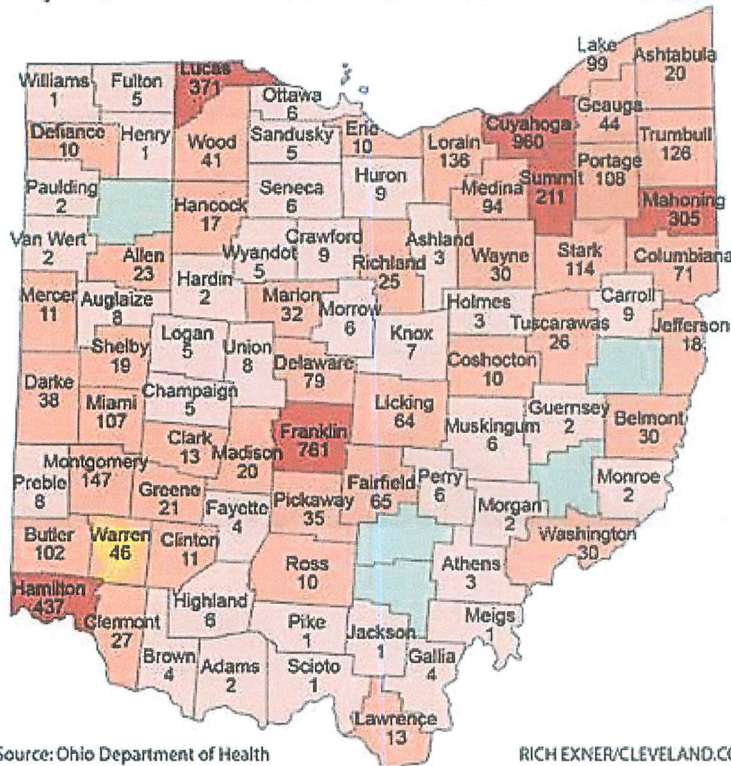


You have received a **JPAY** letter, the fastest way to get mail

From : Angela Clemente-Russo, CustomerID: 18489820  
To : JASON MCCRARY, ID: A718296  
Date : 4/9/2020 2:47:10 AM EST, Letter ID: 781467469  
Location : WCI  
Housing : 2C222LC

Updated Apr 08, 2020; Posted Apr 08, 2020

## 5,148 confirmed coronavirus cases



Source: Ohio Department of Health

RICH EXNER/CLEVELAND.COM

Ohio's 5,148 cases of coronavirus are spread across 83 of Ohio's 88 counties. To instead see case rates per capita, view the chart at the bottom of this story.

By Rich Exner, cleveland.com





You have received a **JPAY** letter, the fastest way to get mail

From : Angela ClementeRusso, CustomerID: 18489620  
To : JASON MCCRARY, ID: A718296  
Date : 4/22/2020 11:26:09 PM EST, Letter ID: 797255525  
Location : WCI  
Housing : 2C222LC

①



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You have received a **Jpay** letter, the fastest way to get mail

(E)

From : Angela ClementeRusso, CustomerID: 18489620  
To : JASON MCCRARY, ID: A718296  
Date : 4/10/2020 4:45:32 PM EST, Letter ID: 783624785  
Location : WCI  
Housing : 2C222LC



NEWS BREAK

1h ago

## Ohio

Coronavirus Pandemic: 5,836 confirmed cases in Ohio, 227 deaths



NEWS BREAK

2h ago

## Ohio

Ohio Correctional Officer Dies From Coronavirus; 19 Prisoners And 53 Staff Test Positive



NEWS BREAK

3h ago

## Ohio

Northeast Ohio's heavy coronavirus toll: more than half the state's deaths, higher per capita rates



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(F)

**You have received a *jpay* letter, the fastest way to get mail**

From : JPay Representative  
To : JASON MCCRARY, ID: A718296  
Date : 4/26/2020 8:57:10 AM EST, Letter ID: 800614584  
Location : WCI  
Housing : 2C222LC

There are a lot of words being used by media, the staff and others about coronavirus. We want to help you understand what is meant by these terms and how the words may apply to you.

Coronavirus – also known as COVID-19. This is a virus that is spread through the air. A person with the disease has to be close to you for more than 15 minutes when they are talking to you before you can catch it too. A person with the disease could also sneeze on you to pass along the virus. A person with the disease could also cough into their hand and then touch a surface (like a table) – if you touch that table and put your hands near your mouth/eye/nose, you could catch the virus.

Unlike the normal flu, there is no medicine that can stop it in the body. It is really hard for some people to recover from this illness. We need your help to stop the virus from spreading.

Here are some of the things DRC is doing are taking (and you are hearing about) to help:

We are asking that you stay in a COHORT. A cohort is a group of people who stay together. A cohort can be small (like a family) or a larger (like a whole dorm). Cohorts in the prison will be in the same dorm together, eat together, and have recreation together. Cohorts should try not to do things with people outside of their group, unless you have to (like with a medical person).

You have heard that we are asking some people to QUARANTINE. If you have been around someone who has the virus, we will move you in with other people who have also been exposed. You don't have to feel sick or have symptoms to be put in quarantine. We do this to make sure you don't get sick and don't spread the virus if you do have it.

If you are feeling sick and have symptoms, we will put you in ISOLATION. This separates you from people who are not sick. The staff who work with you when you're in isolation will be wearing more personal protective equipment (PPE - items that will stop the virus from spreading) then in other areas.

***jpay* Tell your friends and family to visit [www.jpay.com](http://www.jpay.com) to write letters and send money!**

6

**You have received a *JPAY* letter, the fastest way to get mail**

From : Angela ClementeRusso, CustomerID: 18489620  
To : JASON MCCRARY, ID: A718296  
Date : 4/25/2020 11:30:01 AM EST, Letter ID: 799966606  
Location : WCI  
Housing : 2C222LC

**Ohio** Department of Rehabilitation & Correction**COVID-19 Inmate Testing | UPDATED: 4/24/2020**

Tested	Pending	Positive	Negative
*	*	3637	1489

**Prisons where people are being tested**

Allen Correctional Institution (ACI) - 1, Belmont Correctional Institution (BCI) - 1, Chillicothe Correctional Institution (CCI) - 1, Franklin Medical Center (FMC), Lake Erie Correctional Institution (LECI) - 3, Lorain Correctional Institution (LCI) - 1, Lorain Correctional Institution (LCI) - 1, Madison Correctional Institution (MCI) - 5, Mansfield Correctional Institution (MCI) - 1, Marion Correctional Institution (MCI) - 1, Marion Correctional Institution (MCI) - 1, North Central Correctional Center (NCCC) - 6, Northeast Correctional Center (NECC) - 1, Ohio Reformatory for Women (ORW) - 2, Pickaway Correctional Institution (PCI) - 1, Summit Correctional Institution (SCI) - 1, Tuscarora Correctional Institution (TCI) - 2, Warren Correctional Institution (WCI) - 1

DRC has taken an aggressive and unique approach to testing, which includes mass testing of all staff and inmates at the Marion Correctional Institution, the Pickaway Correctional Institution, and the Franklin Medical Center (which is Ohio's medical facility for inmates). Because we are testing everyone - including those who are not showing symptoms - we are getting positive test results on individuals who otherwise would have never been tested because they were asymptomatic. The total tested and total positive are part of the larger mass testing currently underway. Pickaway staff testing will begin the week of April 19, 2020. Once all of those results are received, those numbers will be added. Positive and negative results are still being reported and are current as of this writing.

**COVID-19 Inmate Quarantine and Isolation** | Quarantine separates and restricts the movement of people who were exposed, or potentially exposed, to a contagious disease to see if they become sick. Isolation separates sick people with a contagious disease from people who are not sick.

Institution	# of Staff who have reported Positive Tests	# of COVID-19 Related Staff Deaths	# of Staff who have been Recovered	Units in Quarantine	# of Inmates in Quarantine	Housing Type (Cell, open bay, combo)	# of Inmates in Isolation	# of Inmates who Tested Positive	# of Probable COVID-19 Related Inmate Deaths	# of Confirmed COVID-19 Related Inmate Deaths
Allen Correctional Institution	0	0	0	0	0	0	0	0	0	0
Belmont Correctional Institution	0	0	0	Full Institution	2008	Combo	45	54	0	0
Chillicothe Correctional Institution	0	0	0	Full Institution	2041	Combo	8	0	0	0
Correctional Reception Center	0	0	0	Full Institution	1529	Combo	71	71	0	0

Durbin Correctional Institution	0	0	0	Full Institution	827	Cello	0	0	0	0
Franklin Medical Center	0	0	0	Full Institution	360	Combo	109	119	0	2
Griffin Correctional Institution	0	0	0	Full Institution	1809	Combo	0	0	0	0
Lake Erie Correctional Institution	0	0	0	0	0	0	0	0	0	0
Lorain Correctional Institution	0	0	0	Full Institution	1033	Cello	0	0	0	0
Madison Correctional Institution	0	0	0	Full Institution	2231	Combo	0	0	0	0
Lorain Correctional Institution	0	0	0	Full Institution	1545	Cello	0	0	0	0
Marion Correctional Institution	0	0	0	Full Institution	2200	Combo	0	0	0	0
Mansfield Correctional Institution	0	0	0	Full Institution	2416	Cello	0	0	0	0
Marion Correctional Institution	0	0	0	Full Institution	442	Combo	2024	2024	0	4
Marion Correctional Institution	0	0	0	Full Institution	2555	Combo	0	0	0	0
North Central Correctional Center	0	0	0	Full Institution	2374	Combo	13	7	0	0
Northeast Ohio Correctional Center	0	0	0	Full Institution	933	Cello	0	0	0	0
Northeast Ohio Correctional Center	0	0	0	Full Institution	561	Cello	0	0	0	0
Ohio Reformatory for Women	0	0	0	0	0	0	0	0	0	0
Ohio State Penitentiary	0	0	0	Full Institution	481	Cello	0	0	0	0
Pickaway Correctional Institution	0	0	0	Full Institution	297	Combo	1561	1563	2	0
Pickaway Correctional Institution	0	0	0	0	0	0	0	0	0	0
Summit Correctional Institution	0	0	0	0	0	0	0	0	0	0
Summit Correctional Institution	0	0	0	Full Institution	1576	Combo	0	0	0	0
Summit Correctional Institution	0	0	0	0	0	0	0	0	0	0
Tuscarora Correctional Institution	0	0	0	Full Institution	945	Cello	10	0	0	0
Tuscarora Correctional Institution	0	0	0	Full Institution	1430	Combo	2	1	0	0
Warren Correctional Institution	0	0	0	Full Institution	1209	Cello	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>32,945</b>		<b>3667</b>	<b>2637</b>	<b>2</b>	<b>15</b>

Prisons may implement quarantine procedures when staff or inmates test positive. Quarantined facilities are operating under modified movement and the populations are being separated by unit along with other precautionary measures. Every inmate at these facilities is monitored daily and has their temperature taken along with a check for symptoms. Overall testing increases are partially attributed to implementation of mass testing of designated facilities beginning 04/11/2020.



Exhibit H

April 8 2020 \*

12 PM Brunch

1 milk, 4 pieces of bread, macaroni, Applesauce, carrots

4:30 PM Dinner

2 tortilla wraps, turkey filling, rice and beans, banana

April 9 \*

Brunch 10:15 AM

3 boiled eggs, oatmeal, 2 square baked bread w/ syrup, charbroil patty\*, milk

Dinner 4:20

2 hot dogs, 2 pieces of bread, parsley noodles, Apple, small soup chili, shredded cheese

April 10 \*

Brunch 11:30 AM

fish patty, 4 pieces bread, apple sauce, beans, left over charbroil patty from yesterday Brunch\*

Dinner 5:30 PM \*

chicken patty, Bread, apple, cake, carrots

April 11 \* ~~11:00 AM~~Brunch 11:10 AM

eggs, sliced potatoe, oatmeal, tortilla wrap, sausage, Apple, milk

Dinner 5:10 PM

stroganoff, salad, cake, Applesauce, bread

April 12 \*

Brunch 8:30 AM

2 country patte, Bread, mashed potatoe, mixed vegetable, milk

Dinner 5:30 PM

sloppy Joe, Beans, Bread, Applesauce

April 13 \*

Brunch 11:15 PM

country patte, pizza, noodles, cookie, salad, milk

Dinner6:00 PM ~~5:00 PM~~ stroganoff, salad, carrots & peas, bread, pears

Exhibit H

April 14 \*  
 Brunch 11:40 AM  
 Fish, bread, grits, gravy, apple & milk  
 Dinner 6:10 PM

Noodles & meat sauce, cake, Apple slices, bread

April 15 \*

Brunch 10 AM

2 chicken patties, Bread, peas, milk, noodles w/ red sauce.

Dinner 4:15 PM

Turkey fajita, tortilla wraps, shredded cheese, shredded lettuce, cake

April 16 \*

Brunch 10 AM

3 eggs, bread, oatmeal, apple, milk, turkey ham

Dinner 5 PM

Hot dogs (2), noodles, green beans, bread, Applesauce

April 17 \*

Brunch 11:30 AM

2 charcoal patties, bread, cake, milk, beans

Dinner 5:30 PM

chicken patty, Rice, coleslaw, bread, banana

April 18 \*

Brunch 9:15 AM

2 eggs & ham, turkey, bologna, tortilla wrap, apple, milk, Potatoes, oatmeal

Dinner 5:30 PM

~~Apple~~ Stroganoff, bread, brownie, salad, applesauce

April 19 \*

Brunch 12:30 PM

2 country patty, bread, potatoe, carrot, milk, cake

Dinner 5:20 PM

Bread, Sloppy Joe, cake, banana, beans



Brunch 10:45 AM

2 county patty, bread, potatoes (mashed), cake, milk, green beans

Dinner 5:15 PM

Sloppy Joe, bread, banana, 4 cookies, slaw

April 27 \*

Brunch 10:30 AM

2 Pizza, cake, salad, banana, mac n cheese

Dinner 5 PM

Sahy marzetta, bread, banana, salad + peas and carrots

April 28 \*

Brunch 10:10 AM

Biscuit and gravy, bologna, cereal, banana, milk

Dinner 6:15 PM

Italian sauce on noodles, bread, apple, cabbage with carrots, cake

April 29 \*

Brunch 10:20 AM

2 chicken patty, bread, cereal, cake, milk

Dinner 7:10 PM

turkey fajita, wraps, Beans rice, Apple, shredded cheese

April 30 \*

Brunch 11 AM

Pancakes, Turkey ham, boiled eggs, grits, milk, banana

Dinner

April 31

Brunch

Dinner

Mon, April 20 \*

Brunch 10:45 AM

2 piece pizza, mac n cheese, apple, salad, cake, milk

Dinner 6:30 PM

Ehnn - mar zetti, Bread, salad, Peas & carrot

Tues April 21 \*

Brunch 10 AM

Biscuit & Gravy, turkey ham, cereal, milk, banana

Dinner 5:45 PM

noodles with italian sauce, bread, cake, Peas and carrots

weds April 22 \*

Brunch 10:45 AM

2 chicken patty, cereal, cake, bread, milk

Dinner 4:20 PM

turkey frittata, tortilla wraps, cake, beans & rice

Thurs April 23 \*

Brunch 11:20 AM

Baked eggs, Pancakes, grits, apple, milk

Dinner 5:15 PM

2 Hot dog, bread, noodles, apple, green bean

Fri. April 24 \*

Brunch 11 AM

2 charcoal patty, bread, cake, salad, milk, beans

Dinner 5:15 PM

Sausage, Bread, carrots, Rice, Brownie, Apple

Sat. April 25 \*

Brunch 9:15 AM

eggs with ham, turkey sausage, oatmeal, milk, apple tortilla roll

chili mack, bread, brownie, salad, green bean



I

## CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

*A Joint Committee of the 133<sup>rd</sup> Ohio General Assembly*

### HOUSE MEMBERS

Doug Green, *Chair*  
Erica C. Crawley  
Gayle Manning  
Adam C. Miller



### SENATE MEMBERS

William P. Coley, *Vice Chair*  
Hearcel F. Craig, *Secretary*  
Nathan H. Manning  
Sandra R. Williams

April 27, 2020

Jason McCrary 718296  
Warren Correctional Institution  
PO Box 120  
Lebanon, OH 45036

Dear Mr. McCrary:

Our office recently received correspondence on your behalf. CIIC is a legislative committee that inspects Ohio prisons and evaluates programs, operations, conditions, and the grievance procedure. While CIIC does not have decision-making authority, we can provide you with information on Administrative Rules (ARs) and DRC policies as well as other helpful resources.

In the correspondence, concerns were regarding the ongoing developments of the coronavirus, as it relates to your wellbeing in the facility.

Our office has no authority regarding the sentencing or release of individual offenders, as we are not legal professionals and cannot offer you any form of assistance in that manner. We suggest you kite the law library and utilize the services available to you. Your law librarian or law clerk should be able to assist you. You may also consider consulting an attorney, as they are in the best position to address such concerns.

Please understand that our office has no authority with your medical care, as we are not medical professionals. If any medical issues arise, I encourage you to notify staff immediately and utilize a Health Service Request (HSR). Additionally, I encourage you to work with the medical professionals at your facility that are best equipped to explain your plan of care. You may do so by kiting the Healthcare Administrator, or filing an informal complaint if policy was violated.

Our office is aware that modifications to the food serving schedule have been made due to this unprecedented situation. We encourage you to review DRC Policy 60-FSM-02 on Food Service Operations, which states in section C.3.: "Meal variations from the cycle menu may be allowed during major holidays and emergency operations provided that basic nutritional goals are satisfied." If you feel that 60-FSM-02 or any other DRC policy is violated, you may document this

by utilizing the Inmate Grievance Procedure, or by reporting it to the Institutional Inspector. If modification to the food service operations is impacting a health condition or medication, please notify staff immediately and communicate your concerns with medical staff and/or the dietician.

We encourage you to communicate questions regarding the sanitation and safety of the facility by notifying a supervisor during rounds and kiting the Health and Safety Supervisor. Any concerns you have regarding institutional conditions or sanitation should also be documented through the inmate grievance procedure. You must first file a complaint to the supervisor of the department who is the direct cause of the concern. If you are dissatisfied with the response that you receive, you may follow through with a grievance to the Inspector and then an appeal to the Chief Inspector, if necessary. If you have any questions on how to use the inmate grievance procedure, be sure to kite the Inspector and/or review Administrative Rule 5120-9-31.

We take all complaints seriously; we noted the concerns in our database and will continue to monitor them as the situation develops. Our agency recognizes the dedication of the Department of Rehabilitation and Correction staff members to maintain the safety of offenders and facility staff during this time of uncertainty. Thank you for bringing these concerns to our attention.

Sincerely,



R. Helbing  
Senior Corrections Analyst II

Resources for your family to utilize:

[Coronavirus.ohio.gov](https://coronavirus.ohio.gov)

Hotline: 1-833-4ASK-ODH

[DRC.ohio.gov/family/covid-19-updates](https://drc.ohio.gov/family/covid-19-updates)

Phone: 614-728-1142

Email: [drc.covid19@odrc.state.oh.us](mailto:drc.covid19@odrc.state.oh.us)



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From: Angela Clemente Russo, Customer ID: 18488620  
To: JASON MCCRARY, ID: A718296  
Date: 5/1/2020 3:46:55 PM EST, Letter ID: 806321189  
Location: WCI  
Housing: 2C222LC

Judge orders transfer or release for some inmates at virus-wracked Ohio federal prison  
By Josh Gerstein

A judge has ordered the release or transfer of hundreds of elderly and vulnerable inmates at a federal prison in Ohio that has seen a particularly deadly and widespread outbreak of the coronavirus.  
a sign on the side of a building: The Department of Justice. © Samuel Corum/Getty Images The Department of Justice.

Although federal courts have been flooded in recent days with release and resentencing requests in individual cases, the ruling Wednesday from U.S. District Court Judge James Gwin appeared to be the first that could lead to a group release of federal convicts as a result of the ongoing Covid-19 pandemic.

Gwin said he needed to act because efforts to combat the virus at the Elkton prison in Lisbon, Ohio, were failing. Six inmates there infected with the virus have died in recent weeks, with 52 inmates confirmed infected and 48 staff — the highest number of staff infections of any federal prison in the country.

But with fewer than 100 of the 2,400 inmates at Elkton tested, the actual infection rate could be much higher, the judge said, calling the lack of testing at the prison a “debacle” — especially compared with a nearby state prison that has conducted thousands of tests.

“Despite their efforts, the Elkton officials fight a losing battle. A losing battle for staff. A losing battle for inmates,” wrote Gwin, an appointee of President Bill Clinton.

The decision from the Cleveland-based Gwin came the same day a federal judge in Louisiana rejected a similar class-action, habeas corpus case brought on behalf of prisoners at a hard-hit federal prison complex in Oakdale, La. U.S. District Court Judge Terry Doughty said federal statutes and legal precedents foreclosed the court from offering the same relief Gwin granted.

Doughty, an appointee of President Donald Trump, also sounded disinclined to second guess the decisions of the Bureau of Prisons.

“Such a designation and/or classification falls squarely within BOP’s authority and outside the purview of this Court,” Doughty wrote. “To rule otherwise would make this Court a de facto ‘super’ warden of Oakdale.”

Oakdale is suffering from the deadliest Covid-19 outbreak in the federal prison system, with seven inmates having expired. Federal statistics show 21 prisoners and 22 staffers there confirmed as infected.

Systemwide, 566 federal inmates and 342 staff are confirmed infected with the virus, while 24 inmates diagnosed with the illness have died, according to an official tally. Those numbers are believed to be low due to very limited testing. The Bureau of Prisons says 1,440 inmates have been moved to home confinement since Attorney General William Barr blessed that last month as a method to limit spread and impact of the virus.

In his 21-page opinion, Gwin emphasized that he was not ordering a mass release of inmates at Elkton, but that prison officials determine which vulnerable inmates are eligible for various programs that would get them out of the facility, such as compassionate release, home confinement, parole or furlough. Vulnerable inmates deemed ineligible would have to be transferred to another prison, the judge said. A 14-day quarantine for prisoners set for release or transfer would continue, the judge said.

Gwin’s order covered Elkton prisoners who are over 65 or have “documented” medical conditions, including severe obesity. He declined to add ex-smokers to the list.

Federal prosecutors fought both cases, warning that mass releases could endanger public safety, but Gwin said he wasn’t persuaded.

“Petitioners do not ask this Court to throw open the gates to the prison and leave the inmates that are released to fend for themselves,” the judge wrote. “No one’s interest would be served in doing so. The Court is confident that the transfer of prisoners from Elkton to other means of confinement could accomplish the goal of protecting Elkton’s vulnerable population while also protecting public safety.”

Justice Department spokespeople did not immediately respond to requests for comment on Gwin’s ruling, which could be appealed.

However, a lawyer with one of the groups representing the Elkton inmates hailed the decision.

“Countless lives will be saved as a result of this order,” said David Carey of the American Civil Liberties Union’s Ohio chapter. “Even since we filed our class action, the death toll at Elkton has doubled. Judge Gwin was absolutely correct in recognizing the dire situation at Elkton, and we are eager to assist and facilitate the release of the members of the medically vulnerable class.”

The conflicting court rulings Wednesday came amid confusing edicts, actions and statements this week from federal prison officials and Justice Department headquarters about the effort to lower the federal prison population and protect at-risk inmates as well as staff.

On Monday, numerous prisoners across the country who had been put into pre-release quarantine were told they’d been deemed ineligible to be sent home after guidance abruptly shifted to exclude inmates who had not yet served

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Location : WCI  
Housing : 2C222LC

half of their sentences. However, after a POLITICO report on the reversal Tuesday, the Justice Department appeared to reverse course yet again and insisted that such inmates could be considered for release.

The flip-flops disappointed and enraged inmates and their families. Some had received visits from probation officials to confirm that convicts' home settings were acceptable. Other inmates had already booked travel to get home. A statement the Bureau of Prisons sent to Congress on Wednesday expressed regret over the lack of clarity involving inmates with more than half their sentences remaining.

"These individuals were informed prematurely that they were Home Confinement eligible, and we regret any confusion that may have caused," said the statement, obtained by POLITICO. The bureau's explanation went on to indicate that, despite what many inmates were told Monday, some in that group were still being considered to be sent home.

"Because they are outside of the original criteria, each case is being individually reviewed for Home Confinement by a multi-disciplinary team comprised of Bureau Headquarters leadership. These reviews will be completed within the next 10 business days, and each of these individuals will be provided information regarding their Home Confinement status," prison officials said.

Despite the apparent reversals this week, Justice Department lawyers handling a flood of lawsuits, release and resentencing motions in courts across the country continued to submit court filings saying the 50 percent threshold remained in place.

On Wednesday, lawyers from the U.S. attorney's office in Boston urged a judge there to dismiss a class-action habeas corpus petition filed by inmates at the Federal Medical Center at the former Fort Devens in Massachusetts. The center, which includes a unit that handles prisoners suffering from Alzheimer's disease and similar disorders, has yet to report a staff or inmate infection.

The response listed specific inmates deemed "ineligible" for home confinement due to the 50 percent rule.

Given the ongoing confusion, some prosecutors seemed reluctant to be pinned down about precisely which inmates are eligible for home confinement or other release.

A federal prosecutor in Manhattan who told a judge Friday that an inmate was approved for release, then told the court Monday that decision had been reversed, demurred Wednesday despite the judge's order to explain the backpedaling and submit an affidavit from the Bureau of Prisons detailing the change.

The world is battling the COVID-19 outbreak, which the World Health Organization has declared a global pandemic. Here is a look at some of the prisons around the world.

A prison guard keeps as medical workers walk at a secure mobile medical unit set up at the Abbotsford Regional Hospital to treat prisoners infected with the coronavirus (COVID-19) outbreak from the Mission Institution correctional center, on April 18 in Abbotsford, British Columbia, Canada.

"Since the Court issued its order, the Government has been in communication with the Office of the Deputy Attorney General and multiple counsel at the Bureau of Prisons in an effort to collect complete and accurate information in response to the Court's order," Assistant U.S. Attorney Olga Zverovich wrote.

Despite the high-level contacts, Zverovich's letter cited "ongoing uncertainty surrounding the home-confinement eligibility criteria at various BOP facilities." Shortly after a 5 p.m. deadline Wednesday that U.S. District Court Judge Ronnie Abrams had set for the detailed explanation, the prosecutor asked for a 24-hour extension.

Abrams had not responded to the request by late Wednesday night.

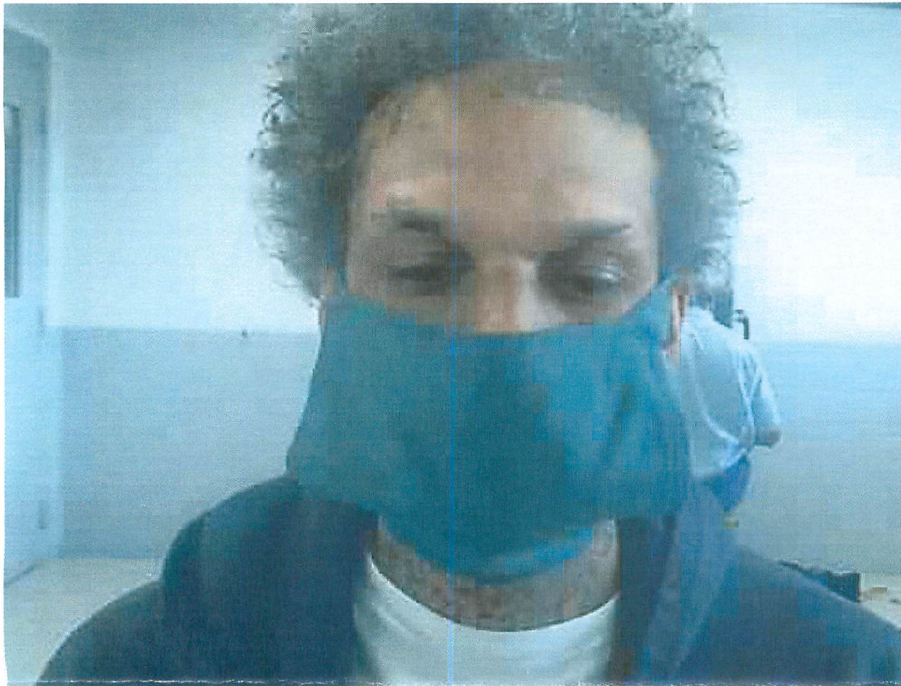
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To : Gladia Garner, CustomerID: 15075031  
Date : 4/16/2020 8:16:01 AM EST, Letter ID: 788330566 Parent Letter ID: 787254973  
Location : WCI  
Housing : 2C222LC



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RELIEF

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

I (we) would like for The O.D.R.C. To do and heed all warnings That The C.D.C. has put in place to save and protect inmates lives. We want to be compensated one hundred million dollars for The inmates listed in This suit. This will help provide medical, help each Inmate to Thrive if not released on G.P.S monitoring and give each inmate The ability to be taken care of in The future if Covid-19 should strike Them or Their families, any children born unto Them while They have This ever changing, complicated and deadly disease. This money will do nothing for The pain, suffering or neglect of Them but will help each to live a prosperous and fulfilling life That is possible once They have gotten or have being exposed to covid-19

SIGNED THIS 27 DAY OF April 2020.

  
SIGNATURE OF PLAINTIFF



R. J. McCrary 718-296  
Box 120  
Canton, OH,  
45036



Office of the Clerk  
Potter Stewart U.S. Courthouse  
Room 103  
100 East Fifth Street  
Cincinnati, OH.  
45202

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